



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 15, 2008

REGISTERED MAIL
RB 252 945 681 US

Bethel School District
ATTN: Mr. Jim Hansen, Director of Construction
516 - 176th Street East
Spanaway, WA 98387

RE: Administrative Order No. **5956** to impact approximately 1.5 acres of an isolated wetland to construct the Nelson Elementary School on a 20-acre site located at 22205 – 224th Street East, Graham, Pierce County, Washington

Dear Mr. Hansen:

On December 10, 2007, the Bethel School District submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) to request an Administrative Order for proposed work in isolated wetlands. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J. Lund, Unit Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

PJL:LO:dn
Enclosure

cc: Casey Ehorn, U.S. Army Corps of Engineers
Cathy Carlson, Bethel School District
Tom Deming, Habitat Technologies
Pierce County

e-cc: ECY RE FED PERMITS
Lori Ochoa, Ecology/SWRO
Loree' Randall, Ecology/Headquarters
Brad Murphy, Ecology /SWRO
Deborah Cornett, Ecology/SWRO



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Bethel School District)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 5956
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Bethel School District,
ATTN: Mr. Jim Hansen, Director of Construction
516 176th Street East
Spanaway, WA 98387

This is an Administrative Order requiring Bethel School District to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On December 10, 2007, the Bethel School District submitted a request to impact approximately 1.5 acres of isolated wetlands to construct the Nelson Elementary School on a 20-acre parcel in the Graham Area of Pierce County. The site is located at 22205 – 224th Street East, Graham, Pierce County, Washington; Section 10, Township 1 North, Range 4 East, WRIA 10, Puyallup – White Watershed.

This Administrative Order authorizes 1.5 acres of Category IV isolated wetland impacts at the project location. Mitigation for this proposal will consist of the creation of 2.10 acres of wetland area adjacent to the southern boundary of the retained portion of Wetland A/B on the project site, restoration of the retained pasture areas, and the restoration of the protective buffer associated with the retained onsite and offsite wetland areas.

For purposes of this Order, the term "Applicant" shall mean the Bethel School District and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Bethel School District shall comply with the following:

1. The Bethel School District shall construct and operate the project in a manner consistent with the project description contained in the JARPA and the Isolated Wetland Information Sheet received by Ecology on December 10, 2007 or as otherwise approved by Ecology
2. Project mitigation shall be constructed and maintained as described in the *Wetland, Drainage Corridor, and Critical Habitat Evaluation and Delineation report and Conceptual Compensatory Mitigation Program for Unavoidable Wetland Impacts, Nelson Elementary School, Parcel 041103004, Graham Area of Pierce County, Washington* dated May 28, 2007.
3. The Bethel School District shall provide access to the project site and all mitigation sites upon request by Ecology

4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
5. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43 21B 001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

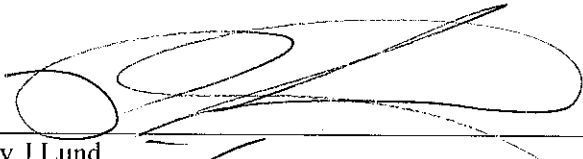
3. And send a copy of your appeal to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

*For additional information visit the Environmental Hearings Office Website. <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website.
<http://www1.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43 21B 320. These procedures are consistent with Ch. 43 21B RCW.

DATED this 15 day of AUGUST, 2008, at Lacey, Washington



Perry J Lund
Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

